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**DOCUMENTS RELATING TO A PROPOSED
SWISS¹ AND GERMAN COLONY IN THE
WESTERN PART OF VIRGINIA**

FROM THE BRITISH PUBLIC RECORD OFFICE.

Contributed and edited by Charles E. Kemper.

PETITION OF GOULD, OCHS, STAUBER AND HARLAND.

Record Office, London—B. T. Virginia. Vol. 19. R. 139.
To the Right Hon^{ble} The Lords Commissioners for Trade and
Plantations The further Representation of Thomas Gould,
John Ochs, Jacob Stober and Ezekiel Harland
Most humbly Sheweth

¹ As was the case with Michel and De Graffenried, this was an attempt, not merely to obtain a grant of a great tract of land in the western part of Virginia, but also to establish a separate colony. Like the other it failed of success. At the time Jacob Stauber, or Stover, in partnership with others, was applying to the English Government, he was also seeking a large grant of land, directly from the Governor of Virginia. In the Virginia Council Journal on June 17, 1730, is an entry setting forth that Jacob Stover, a native of Switzerland, had petitioned for 10,000 acres of land on the west side of the Great mountains and on the Second fork of Sherando River on both sides of the branches thereof, for the settlement of himself and divers Germans and Swiss. The petition was granted on condition that he brought over one family for each thousand acres. The land was granted by two patents for 5,000 acres each, dated Dec. 15, 1733.

Jacob Stover, who seems to have explored the Shenandoah River country thoroughly, located his two grants of 5,000 acres each on this river and its branches. The northern grant extended southwesterly from about the present Massanutten in the county of Page to a point about a mile below the present Bear Lithia Spring in the county of Rockingham, Virginia.

The second grant of 5,000 acres extended southwesterly from the mouth of Cub Run, a tributary of the Shenandoah, to the present Port Republic and up the valley of the South River to a point nearly opposite Weyer's Cave; and up Cub Run nearly to Peale's Cross Roads; and also up the Mill Creek Valley to the Keezeltown Road at a point now owned by Mrs. E. A. Herring.

That whereas the British Subjects hitherto settled in the Several Colonies upon the Sea Coast of the North Continent of America have not yet been able to extend any of their

The location of this grant is clearly shown by a survey made in 1754 by Thomas Lewis and recorded in Survey Book No. 1, Augusta County, Virginia, Records. The original of this survey is filed in Russell *vs.* Francisco in the court papers of Augusta County, Va., for 1754. See also this magazine, Vol. XIII, pages 120-123, for a further description of the two grants actually made to Jacob Stover.

The Indian name of this locality was Massanutten, and, here, the weight of evidence indicates, was made the first permanent white settlement in the Valley of Virginia. The grants to Stover were finally made under the head-right act, which gave fifty acres of land for each person imported into the Colony. This is evidenced by the fact that in each of the grants to him the names of 100 persons are given, comprised in five family names, which makes twenty persons in each family. With possibly two exceptions, these names are fictitious, and Stover was clearly guilty of fraud in this transaction. The persons named were not settled upon the land, and it is related (Kercheval, *History of the Valley*, 2nd ed., 1850, pp. 41-42) that he gave human names to his cows, dogs and hogs in order to comply with the law. Jacob Stover died in Orange county, Va., in 1741, his son Jacob qualifying as his administrator. In 1736 he was living on the South Branch of the Shenandoah.

Though the earliest settlement in the Valley was on the land granted to Stover, it was hardly more than an accident. The rich lands of that section were attracting general attention.

Governor Gooch in his letter of 1729 published in the October number of this magazine, 1920, refers to the eagerness of the Virginians to take up lands "amongst the Great Western Mountains", and this is conclusive evidence that by the year 1729 the Valley of Virginia had been thoroughly explored by the Virginia Colonists; and this conclusion is further confirmed by the petition of Larkin Chew and others, to the Virginia Council in 1726 for lands on Happy Creek in the present County of Warren, and by a similar petition of Robert Lewis and others for the lands on the Calf Pasture River in the western portion of the present County of Augusta in 1727; and it can be stated certainly that by the year 1727 the entire Shenandoah Valley had been explored by the Virginians of that period. For the petition of Robert Lewis and others, see *Palmer's Calendar of Virginia State Papers*, Volume I, page 214.

There is evidence tending to show that the Valley of the South Branch of the Potomac was explored to some extent by white men as early as 1717. On July 18, 1717, some of the Pennsylvania Indians reported to the Council of that Colony that about two months prior to that date a party of seven Indians were hunting beyond the furthestmost branches of the Potomac and encountered a band of about thirty whites accompanied by about as many Indians.

As the Maryland Colony persistently claimed the South Branch for many years after 1712, it is probable that this party of white men and Indians were residents of that Colony.

The claims of the French, referred to in the first petition, are illustrated by a minute of the Provincial Council of Pennsylvania dated August 4, 1731, contains the statement that "in a new General Atlas"

Settlements beyond the great Ridge of Mountains which divide those Inhabitants from the Lakes and Branches of the River Messussippi, by which means the French Indian Traders from Canada have for ten Years without Interruption Caried on a Commerce with the Western or Naked Indians upon the Lakes and behind the British Colonies on Lands and Territories which of Right belong to the Crown of Britain. And whereas the underwritten Thomas Gould of London, Merchant, John Ochs, Jacob Stober and Ezekiel Harland have by their humble Petition to the Lords Commiss^{rs} for Trade and Plantations dated besought their Lordships favour to obtain a Grant from his Majesty of a certain Tract of Land extending from behind the great Mountains in Virginia beginning at the two headed Mountain in breadth two Hundred Miles North, bounded to the East by the West line of Pensylvania and to the West by the River Messussippi upon which they undertake to Settle one hundred Families within three years from the date of such Grant on pain of Forfeiture and by their Acquaintance in Switzerland and other parts of Germany to bring over such a number of Industrious Protestants at their own proper Charge to become faithful Subjects of his Britannick Majesty and Setlers on the Tract of Land aforesaid as will not only form a strong and sufficient Barrier to all the British Colonies aforesaid against any opposite Interest or Enemy whatsoever but will also secure the Trade Friendship and Correspondence of the said Western or Naked Indians, by means whereof the Exportation of Course Woolings and large Quantities of other British Manufacturies will be vastly Increased, as well as the product of Silk Hemp, Flax, Pot-Ash and Wines greatly encouraged, to favour the ballance of Trade on the part of Great Britain, And as a Testimony that the said Petitioners have no private End or Interest in view but what is founded upon and perfectly Consistent with the Laws Lib-

published at London, England, in 1724, a map of Louisiana appears upon which the French claims to territory in America are shown.

According to the map the French claimed a great part of Carolina and Virginia and in Pennsylvania they claimed as far east as the Susquehanah River. *Minutes of the Provincial Council of Pennsylvania, Volume 3, page 428.*

erties Trade and Prosperity of Great Britain, They are not only willing but earnestly desire that their Patent or Grant from the Crown may be limited in the following Particulars or in such others of the like Nature as his Majesty in his Royal Wisdom shall think fit to ordain.

1 That all persons whatsoever going over to Inhabit and Settle on the said Tract of Land to be called the Province of Georgia or such other name as his Majesty shall think fit, be thereupon Intituled to the same Common Rights Liberties and Priviledges as British Subjects in America do or ought to enjoy.

2 That so soon as the Inhabitants shall Consist of Fifty Adult Males in Number being Free-men they shall be Impowered on the 23^d of April Yearly to choose Delegates or Representatives from amongst themselves not less than Nine nor exceeding Fifteen in Number to be a great Council and Magistracy In continual Rotation for the due Execution of Justice according to equity and a good Conscience admitting appeals to the King in Council as in other of his Majesties Colonies, and that the said Yearly Representation and Council or a Majority of them shall by and with the Assent of such Governour as His Majesty his Heirs and Successors shall think fit by his Royal Comission to appoint over the said Province from time to time have Power to Exact (*sic*) Laws and Improve their Constitution for the Peoples Advantage and Conveniency not Repugnant to but as much as may be Consistent with the Laws of Great Britain.

3^d That within five Years after the Date of the said Grant or so soon as five hundred Families shall be settled in the said Province The Inhabitants shall be obliged to raise by an Annual Tax to be equally laid on the Whole People as the Legislative Power shall think Convenient a Sum not less than Five hundred Pound nor exceeding One thousand Pound free of all Charge for the support of the Kings Lieutenant Governor Residing amongst them, and shall also be obliged to Erect or Build a Convenient House for such an Officer to live in.

4 That all Judges or other Magistrates for the Equal Distribution of Justice being Commissionated or otherwise Legally

Appointed *quam diem se bene Gesserint*, they shall not be liable to be removed from their Respective Offices until first by an Arraignment or other Tryal before the Provincial Legislature they be found Coulpable and thereupon disqualified for the Publick Service.

5. That an Unlimited Liberty of Conscience be established in the said Province an an equal Priviledge allowed to the Publick Profession of all Religions excepting Heathenism Jews and Papists who are to be utterly disqualified and for ever excluded from holding any office of Trust or Profit in that Province and all Professors or other Practitioners in Physick or Law shall be obliged to apply for and Receive a License from the Supream Provincial Court and Authority before their Admission to Practice in their respective Profession.

6. That all Commerce or Traffick of any kind whatsoever with the subjects of any European Foreign Nation be strictly Prohibited and that the party Convicted of offending herein whether it be in the Woods or amongst the Settlements of such Foreigners shall be fin'd one hundred Pounds Sterl. toties quoties besides double the value of the Goods Barter'd or Sold to the use of the Publick.

7. That all Fines and Forfeitures to be levied and Collected in any Case whatsoever shall be paid in by the proper Officer to the Publick Treasury to be accounted for to the Provincial or Legislative Authority and all Publick Money whatsoever coming in upon any occasion to the Public Treasury shall only be issued from thence by Warrant from the said Legislative Authority and no otherwise.

8. That Authentick Copies of all Public Acts Laws Statutes or Ordinances passed by the Legislative Authority of the said Province shall within Six Months after they are made be Transmitted to the Lords Commiss^{rs} of Trade and Plantations or to one of the Principal Secretarys of State in Great Britain In order to be laid before his Majesty in Council for his Royal Approbation or Repeal as his Majesty shall think fit, And the Provincial Court of the said Province as well as the Governour and all other Publick Officers shall pay a due Regard to the Kings Orders and Instructions signified unto them from

time to time by the Secretary of State or the Lords Commiss^{rs} of Trade and Plantations in like manner as the Courts and Officers of his Majesties Colonies of Carolina Virginia and New York have done and are obliged to do.

[These signatures are autograph.]

Thomas Gould
John Ochs
Jacob Stauber
Ezekiel Harlan²

OPINION OF SIR WILLIAM KEITH³

To the Right Hon^{ble} The Lords Commiss^{rs} for Trade and Plantations.

May it please Your Lordships

I have in Obedience to your Lordships Commands Examined the above Representation on which the Petition of Thomas Gould &c. to your Lordships seems to be founded and I am humbly of Opinion that his Majesty may be advised to pass such a Grant as is desired for the Reasons following.

1st Because until some such Settlement be actually made by a numerous active People from behind the Great Mountains all along to the River Messissippi, I conceive it will be impossible to prevent Foreigners from Setling those Rich Lands in the middle of the Continent which undoubtedly belong to the Crown of Britain and the possession thereof are absolutely necessary to secure and defend from future danger the Valuable Colonies already settled on the Coast and on this side the Mountains.

2^{ndly} Because such an Improvement or inlet to a Trade with the Numerous Native Indians on the Lakes and the Branches of the Messissippi will give a new and large Vent to the ex-

² On May 27, 1718, Ezekial Harland was a resident of Pennsylvania and apparently of Chester County. On that date he was appointed to assist in laying out a road from Conestoga to Thomas Moore's and Brandywine. *Minutes of the Provincial Council of Pennsylvania*, Vol. 3, page 33.

³ Sir William Keith (1680-1749), later Governor of Pennsylvania.

portation of Course Woolings and other British Manufactures fit for the Traffick which is continually decaying at present in all the Colonies on this side the Mountains the Game there being wasted and the Indians reduced to a very small number

3^{thly} Because when this Colony is settled in the manner and in the place proposed it will infallibly raise the vast Tracts of Lands on each side as far West as the Banks of the Messusissippi to a considerable Value, which without such a Settlement can never be of any use to the Crown of Britain, but on the contrary will be a Prey to Foreigners and a Continual annoyance to the Colonies on this side the Mountains

4^{thly} Because the European Market &c which forces the People into trifling Manufactures of their own and discourages or lessens the Exportations from Great Britain whereas by the Settlement proposed where the People can have no access to Navigation, a New Scene is open'd for the Produce of Silk Hemp, Flax Pot ash Wines &c. besides the vast extent of Indian Trade already mentioned.

5^{thly} Because there is no prospect of ever making such a Settlement by slow degrees with such a Handful of People as can be spared at any one time from Great Birtain or Ireland, and therefore it is adviseable by such a Grant as this to Tempt or Induce a large Body of Foreigners to bring over their Effects and subject themselves in this manner to the Dominion of Britain under which they will no doubt rejoice to feel the happy Effects of a Resonable Freedom

6^{thly} Because this Settlement and the Improvement of the Lands being to be carried on at the General Expence of the Setlers themselves and not out of the Estates of the Persons to be named in the Patent, the Success will probably depend on its being evidently the Interest of the Patentees to invite the Setlers on much easier Terms than would in all likelyhood be obtained from Persons of overgrown Estates and opulent Fortunes for it is a Certain Truth that where large Quantitys of Land in America have fallen into the hands of such Proprietors they have been rarely sought after and Commonly very slow in Improvement beside Persons of a low Degree in life who are known amongst their equals to be morally Honest and

Industrious will sooner persuade a multitude into a Voluntary Expedition of this Nature than those of greater Wealth and Higher Rank who are ever liable to the suspicion and Jealousy of the Vulgar.

7^{thly} Because let the Patentees in such a Case be Men of what Condition or Estate you please The only Security which the Crown can depend on is a Limitation in the Patent that the Lands shall actually be settled in a certain Time or the Grant shall be void and from the Nature and Scituation of the place proposed if one hundred Families once sit down there will be no room to apprehend any loss or ill Consequences from such a beginning.

8^{thly} Because if this Proposition should be Rejected at this Time it is uncertain whether an Application of the like Nature made by Foreigners to the Court of France would not readily be accepted perhaps on Terms not very agreeable to the Interest of Great Britain.

I am with great Respect My Lords
Your Lordships most humble and most obedient
Servant

April 6th 1730

W Keith

[Endorsed])

Virginia Proposals from M^r Stauber &c. for settling a Tract
of Land behind y^e Great Mountains of Virginia; with S^r W^m
Keith's Opinion thereon.

$$\text{Rec}^d \quad \}$$

Read }

April 6th 1731

R: 139.

(To be Concluded.)